

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
v.	)	Criminal No. 1:16-10233-RGS
	)	
DONNA M. ACKERLY,	)	
also known as	)	
Donna Kulmaczewski,	)	
	)	
Defendant.	)	

**JOINT MOTION FOR CONTINUANCE OF PROCEEDING,  
AND EXCLUSION OF DELAY UNDER THE SPEEDY TRIAL ACT, TO PERMIT  
DEFENDANT TO DEMONSTRATE GOOD CONDUCT  
PURSUANT TO DEFERRED PROSECUTION AGREEMENT**

Under Title 18, United States Code, Sections 3161(h)(2) and 3161(h)(7)(A), the United States and defendant Donna M. Ackerly (the “Defendant”) jointly move this Court (1) to approve the deferral of this prosecution for, and the period of delay associated with, the Defendant’s entrance into a deferred prosecution agreement (the “DPA”), attached as Exhibit A and (2) to enter an order continuing this criminal case as to the Defendant for the term of the deferral outlined below, and excluding the resulting delay from the time within which the trial of the offenses charged in the Indictment must commence. In support of this Motion, the parties state as follows:

1. The Defendant has individually entered into a DPA with the United States. Pursuant to the DPA, the Defendant is subject to conditions for a period of twelve months, starting from the date that the Court issues the order requested herein.
2. The United States does not intend to go forward with prosecution of this case as to the Defendant, provided that the Defendant abides by the terms of the DPA. However, if the Defendant fails to abide by the conditions of the DPA, the United States will request that this

case be returned to the Court's calendar. If the Defendant complies with the DPA, the United States will move to dismiss the pending charges against the Defendant in this case.

3. Section 3161(h)(2) of Title 18 permits a court to exclude any "period of delay during which prosecution is deferred by the attorney for the Government pursuant to written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate her good conduct." Section 3161(h)(7)(A) permits the exclusion of any delay resulting from a continuance granted by any judge if the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. In this case, a delay of the proceedings will allow the Defendant to take responsibility for her conduct, avoid consequences and burdens on third parties, and efficiently resolve the prosecution.

4. Accordingly, the parties respectfully request the Court to: (a) approve the deferral of this prosecution and the period of delay associated with the DPA, under 18 U.S.C. § 3161(h)(2); and (b) enter an order directing that any period of delay associated with the DPA be excluded in computing the time within which the trial of the charged offenses must commence, under 18 U.S.C. §§ 3161(h)(2) and 3161(h)(7)(A).

DONNA ACKERLY  
By her attorney,

/s/ Michael Kendall  
Michael Kendall  
White and Case, LLP  
75 State Street  
Boston, MA 02109

Date: June 10, 2022

Respectfully submitted,  
RACHAEL S. ROLLINS  
United States Attorney

By: /s/ Mackenzie A. Queenin  
Mackenzie A. Queenin  
Benjamin S. Saltzman  
Assistant U.S. Attorneys